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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 20th November, 1965/Kartika 29, 1887 (Saka).

The following Act of Parliament received the assent of the President on the 19th November, 1965 and is hereby published for general information:—

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1965

No. 35 *of* 1965

[*19th November*, 1965.]

An Act further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Industrial Disputes (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act),— 14 of 1947.

(*i*) in sub-clause (*i*) of clause (*a*), after the words and figures "Employees' State Insurance Act, 1948, or", the words and figures 'the "Indian Airlines" and "Air-India" Corporations established under section 3 of the Air Corporations Act, 1953, or' shall be inserted; 34 of 1948. 27 of 1953.

(*ii*) in clause (*p*), before the words "the appropriate Government", the words "an officer authorised in this behalf by" shall be inserted.

Insertion of new section 2A.

3. After section 2 of the principal Act, the following section shall be inserted, namely:—

Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.

"2A. Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.".

Amendment of section 12

4. In section 12 of the principal Act, in sub-section (*3*), after the words "the appropriate Government", the words "or an officer authorised in this behalf by the appropriate Government" shall be inserted.

Substitution of new section for section 25C.

5. For section 25C of the principal Act, the following section shall be substituted, namely:—

Right of workmen laid off for compensation.

"25C. Whenever a workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid off:

Provided that if during any period of twelve months, a workman is so laid off for more than forty-five days, no such

compensation shall be payable in respect of any period of the lay off after the expiry of the first forty-five days, if there is an agreement to that effect between the workman and the employer:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to retrench the workman in accordance with the provisions contained in section 25F at any time after the expiry of the first forty-five days of the lay off and when he does so, any compensation paid to the workman for having been laid off during the preceding twelve months may be set off against the compensation payable for retrenchment.

Explanation.—"*Badli* workman" means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.".

Amendment of section 29.

6. In section 29 of the principal Act, after the words "which may extend to six months, or with fine, or with both", the words "and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first" shall be inserted.

R. C. S. SARKAR,
Secy. to the Govt. of India.

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